



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**www.bpu.state.nj.us**

CLEAN ENERGY

IN THE MATTER OF AN INFORMAL APPEAL OF ) ORDER  
DENIAL OF REBATE APPLICATION OF )  
SOLAR WORKS NJ ) BPU DOCKET NO. EO07030220

(SERVICE LIST ATTACHED)

BY THE BOARD:

This order memorializes action taken by the Board of Public Utilities ("Board") at its April 22, 2007 Agenda Meeting.

This matter arises from a written request of solar installer Solar Works NJ ("Solar Works"), for "informal resolution" of a denial of two rebate applications by the Office of Clean Energy ("OCE"). The Applications were filed under the Board's Customer On-Site Renewable Energy ("CORE") rebate program. Solar Works couched its challenge as an "informal complaint" under N.J.A.C. 14:1-5.13 et seq. and sought Board approval to pursue the matter as such. Solar Works also requested that the Board direct its Division of Energy to mediate the informal complaint with the OCE. For the reasons stated below, the OCE recommends that Solar Works' requests be denied, and to the extent Solar Works wishes to continue prosecuting this matter, that its complaint be processed as a formal petition.

The Board's rules permit it to take up complaints informally in its own discretion. N.J.A.C. 14:1-5.13(a) (b). "Informal complaints are usually assigned to the Board's appropriate operating division which deals with the subject matter involved." N.J.A.C. 14:1-5.13(d). The rule permits the "appropriate operating division" to mediate between the complaining party and the entity against which the complaint is filed in order to achieve a settlement. Id. Irrespective of any informal resolution by Staff, however, the rules permit either party to file a formal petition with the Board. Id. at (i). Moreover, this mediation scheme is clearly designed to be applied to disputes between private parties and utilities. Id. at (d), (e), (f). In the instant case, the dispute is between a private party and an instrumentality of the Board itself.

Because the aforementioned scheme does not apply to the instant circumstances, OCE does not recommend that Solar Works' complaint be mediated by the Division of Energy. While "recommended wherever practicable" (N.J.A.C. 14:1-5.13(h)) as a way to facilitate complaint resolution, the informal mediation process is a matter within the Board's discretion. Id. at

(b) ("matters thus presented *may* be taken up by the Board with the parties affected by correspondence or otherwise...") (emphasis added). Moreover, denial of Solar Works' request will not materially impair its right to due process or fundamental fairness, since the Board can simply treat it as a contested case and resolve it formally according to regulation. Thus, the OCE recommends that the Board deny the request and inform Solar Works that it has the option of continuing prosecution of its complaint as a formal petition.

Based on its review of the aforementioned filing of Solar Works and the foregoing responsive analysis by the OCE, the Board **HEREBY FINDS** that informal "mediation" pursuant to N.J.A.C. 14:1-5.13(c) would be inappropriate in the instant case, and therefore **DENIES** the request by Solar Works for such mediation. The Board **FURTHER ORDERS** that Solar Works submit the required filing fee and any supplemental formal petitions and/or attachments for the Board's review within 30 days from the execution of this Order. The Board **FURTHER ORDERS** that OCE Staff submit its written reasons for denial of the rebates in question to the Board on or before the same date.

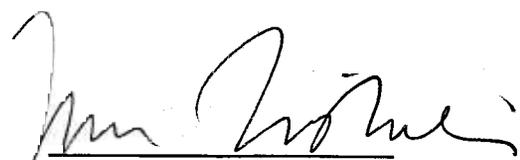
DATED: 4/27/07

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

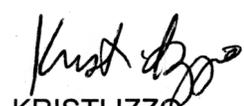
  
FREDERICK F. BUTLER  
COMMISSIONER

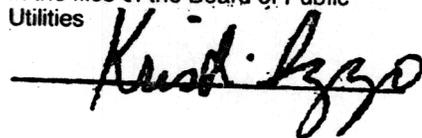
  
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CHRISTINE V. BATOR  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities  


IN THE MATTER OF AN INFORMAL APPEAL OF DENIAL OF  
REBATE APPLICATION OF SOLAR WORKS NJ.

DOCKET NO. EO07030220

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